



Lori E. Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

27 August 2019

Sam Stecklow
Sent Via Email: 71519-05090293@requests.muckrock.com

Re: NOTICE OF RESPONSE TO FOIA REQUEST FOIA FILE NO.: P484569

Dear Mr. Stecklow:

This notice is in response to your request received by the Chicago Police Department for records and information under the Freedom of Information Act (FOIA), 5 ILCS 140 *et seq* where you are seeking:

"This is a request under the Illinois Freedom of Information Act. I request copies of the attachment sheets, summary digest report, and any other final disposition documentation (e.g., an Administrative Closure order, mediation agreement, grievance decision or arbitration award) for each of the following CR investigations. If possible, please provide all files associated with each individual CR together in one PDF file per CR number."

247776
245206
245120
239642
237245
235418
285980
312479
228660
1073471"

Your request was reviewed by the undersigned and has been interpreted that you are seeking a Complaint Register (CR). The responsive documents can be provided to you; however, please be advised that the Department has redacted certain information, as explained further below.

The Identity Protection Act provides in pertinent part: "...no person or State or local government agency may... [p]ublicly post or publically display in any manner an individual's social security number" 5 ILCS 179/10(a)(1). Accordingly, social security numbers are exempt pursuant to 5 ILCS 140/7(1)(a), which exempts: "[i]nformation specifically prohibited from disclosure by federal or State law rules and regulations implementing federal or State law." Therefore, social security numbers are exempt and were properly redacted.

Section 7(1)(b) exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." 5 ILCS 140/7(1)(b). The FOIA, in 5 ILCS 140/2(c-5), defines "private information" as follows:

“Private information” means unique identifiers, including a person’s social security number, driver’s license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.”

Therefore, social security numbers, personal license plate numbers, Department Member biometric identifiers (personal signatures and initials), personal or home addresses, personal telephone numbers, Department employee identification numbers and unique identifiers are exempt and were properly redacted pursuant to Section 7(1)(b).

In addition, dates of birth, names of victims, suspects who have not been charged or arrested, third-party individuals, witnesses, and those who provided information to the police, were redacted, as they are exempt from disclosure pursuant to 5 ILCS 140/7(1)(c) of FOIA. Section 7(1)(c) exempts from inspection and copying the following:

“[P]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy... ‘Unwarranted invasion of personal privacy’ means the disclosure of information is that highly personal or objectionable to reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information.” *Id.*

Victims, witnesses, suspects who have not been charged or arrested, and other third-party individuals have a strong interest in keeping their identity private and therefore their names were properly redacted pursuant to Section 7(1)(c) of FOIA. Moreover, dates of birth are highly personal and were also properly redacted pursuant to Section 7(1)(c) of FOIA.

In addition, names of persons who filed a complaint and/or provided information to law enforcement personnel have also been redacted pursuant to 5 ILCS 140/7(1)(d)(iv) which protects information that would:

- (iv) unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the identities of witnesses to traffic accidents, traffic accident reports, and rescue reports shall be provided by agencies...

Names of persons such as victims(s), witness(es), and/or other third-party individuals are exempt and were properly redacted to protect their identity.

Moreover, Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) exempts from disclosure “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated...” Therefore, all recommendations and opinions that were expressed have been properly redacted pursuant to 5 ILCS 140/7(1)(f).

The above-listed Complaint Register Summary Documents you have requested is enclosed. If you need any further assistance you may contact me at 312-745-5308 or the following address:

Chicago Police Department
Attention: Freedom of Information
Office of Legal Affairs, Unit 114
3510 S. Michigan Avenue
Chicago, IL 60653

You have a right of review by the Illinois Attorney General's Public Access Counselor. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of a denial letter 5 ILCS 140-9.5(a). When filing a Request for Review, you must include a copy of the original FOIA request and a denial letter. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court. You can file a request for review by writing to the following:

Public Access Counselor
Office of the Attorney General
500 S. 2nd Street
Springfield, Illinois 62706
Phone: 312-814-5526 or 1-877-299-FOIA (1-877-299-3642)
Fax: 217-782-1396 E-mail: publicaccess@atg.state.il.us

Sincerely,

Kendra Moore
Freedom of Information Officer